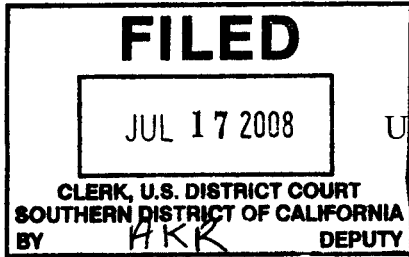


FILED

JUL 17 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS



UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CRAIG SMITH,

Plaintiff - Appellant,

v.

DAN LINK, County District Attorney; et
al.,

Defendants - Appellees.

No. 08-55577

D.C. No. 3:07-cv-02077-BTM-
RBB
Southern District of California,
San Diego

ORDER

The appellant's motion to stay appellate proceedings is granted in part. Proceedings are stayed until August 18, 2008. At or prior to the expiration of the stay, the appellant shall file the opening brief or a request for appropriate relief. In the absence of a motion, the stay will terminate without further notice.

The appellant is reminded that to invest in the district court with jurisdiction to consider the Federal Rule of Civil Procedure 60(b) motion, the appellant must successfully move this court for a limited remand. A motion for limited remand must include a statement that the district court has indicated its willingness to consider the proposed Rule 60(b) motion. *See Crateo, Inc. v. Intermark, Inc.*, 536 F.2d 862 (9th Cir.), *cert. denied*, 429 U.S. 896 (1976)(movant must obtain a

No. 08-55577

indication that the district court is willing to consider the matter that is the purpose of the limited remand).

For the Court:

MOLLY C. DWYER
Clerk of Court

Grace S. Santos
Deputy Clerk
Ninth Circuit Rule 27-7/Advisory Note to Rule 27
and Ninth Circuit 27-10